THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO: 906 of 2006

DATED: 17-01-2006

Between:

1. p.Sarveswara Rao and 18 others

..... PETITIONERS

AND

The Municipal Corporation of Kakinada, rep.by its Commissioner, E.G.District.

.....RESPONDENT

HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION NO.906 OF 2006

ORDER:

It is stated that the petitioners are in possession of certain shops situated at Kakinada Municipal Corporation. None of the petitioners have given any particulars of the properties, which are said to have been in their possession. It is not known whether the petitioners are owners or encroachers. However, if the petitioners are the owners of any permanent structures of the

houses constructed in their own lands, the respondent cannot demolish the same for the purpose of widening the road. The widening of the road, no doubt, is in the public interest. But however, in the process of widening the road, if any private property is coming in the way, the said property has to be acquired either by way of an agreement under Section 146 or by way of acquiring the same in accordance with the provisions of Section 147 of the Municipal Corporation Act.

Hence, the respondent is directed to take appropriate action for widening the road by following due process of law.

The writ petition is accordingly disposed of. No order as to costs.

17th January, 2006

SKM